

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL NO. 1:06CV89  
(1:03CR92)

MONRAIL L. MADDOX,	)	
	)	
Petitioner,	)	
	)	
Vs.	)	<u>ORDER</u>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
_____	)	

**THIS MATTER** is before the Court on the Petitioner's motions to proceed *in forma pauperis* and for a copy of the trial transcript at Government expense.

There is no filing fee in cases brought pursuant to 28 U.S.C. § 2255; therefore, the motion to proceed *in forma pauperis* is moot.

In regards to the Petitioner's motion for a trial transcript, federal inmates are not entitled to documents and materials at Government expense for collateral attacks on their convictions absent some showing of a particularized need. *United States v. MacCollom*, 426 U.S. 317, 326-27 (1976); *Miller v. Smith*, 99 F.3d 120, 125 n.5 (4<sup>th</sup> Cir. 1996); *United*

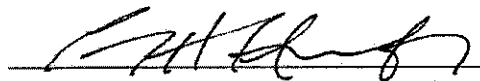
**States v. Davis**, 972 F.2d 342 (table), 1992 WL 180109 (4<sup>th</sup> Cir. 1992).

"An indigent is not entitled to transcripts at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw." **Jones v. Virginia State Farm**, 460 F.2d 150, 152 (4<sup>th</sup> Cir. 1972). Moreover, the Government "may constitutionally decline to furnish an indigent with a transcript until a need for it is shown[.]" *Id.*

**IT IS, THEREFORE, ORDERED** that the Petitioner's motion to proceed *in forma pauperis* is **DENIED** as moot.

**IT IS FURTHER ORDERED** that the Petitioner's motion for a copy of the trial transcript at Government expense is hereby **DENIED**.

Signed: April 14, 2006



Lacy H. Thornburg  
United States District Judge

